REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated November 30, 2009 (*"Office Action"*) and the Advisory Action dated February 23, 2010 (*"Advisory Action"*). Applicant amends Claims 1, 9, and 10, and cancels Claim 13 without prejudice or disclaimer. Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections - 35 U.S.C. § 101

The Office Action rejects Claims 1-7 and 12-13 as being directed to non-statutory subject matter. While Applicant does not necessarily acquiesce to the Examiner's rejections, Applicant amends Claim 1 to advance prosecution, thereby rendering the rejections moot. Therefore, for at least this reason, amended Claim 1 includes statutory subject matter under 35 U.S.C. § 101 according to the applicable case law. Claim 1 is therefore allowable. Claims 2-7 and 12 depend from amended Claim 1 and are therefore allowable.

Claim Rejections - 35 U.S.C. § 103

Claims 9-10, 1-7, and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,067,525 issued to Johnson et al. (*"Johnson"*), in view of Internet documents entitled "Oracle Delivers Global Sales and Marketing Analysis to the Web" (*"Oracle"*) or "PeopleSoft Announces Balanced Scorecard for Strategic Decision-Making" (*"PeopleSoft"*), and alternatively rejects Claims 9, 1-7, and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Johnson* in view of *Oracle* and U.S. Patent Number 5,958,012 issued to Battat, et al (*"Battat"*). Applicant respectfully traverses the rejections for at least several reasons, as discussed further below. Applicant notes that Claims 1, 9 and 10 are amended to include certain claim limitations from canceled Claim 13.

Accordingly, Claim 1, as amended recites:

> A method for reporting a value of a key performance indicator comprising:
> receiving information identifying a selected key performance indicator to monitor;
> identifying at least one business event associated with the selected key performance indicator;

receiving a business event message indicating an occurrence of the business event, the business event message including business data describing the business event;

in response to receiving the business event message, electronically determining, using a processor, the value of the key performance indicator based on the business data; and

displaying the determined value of the key performance indicator via a contextual visualization interface; and

wherein the business event message further includes a successor event and an expected time period indicating when the successor event is expected to occur, and further comprising:

determining that the expected time period has been reached;

determining whether the successor event has occurred; and

based at least in part on determining that the expected time period has been reached and that the successor event has not occurred, displaying a message for the successor event.

The proposed *Johnson-Oracle-Peoplesoft* and *Johnson-Battat-Oracle* combinations fail to teach, suggest, or disclose every element of amended Claim 1. In particular, the proposed *Johnson-Oracle-Peoplesoft* combination and/or the proposed *Johnson-Battat-Oracle* combination fail to disclose:

"wherein the business event message further includes a successor event and an expected time period indicating when the successor event is expected to occur, and further comprising:

determining that the expected time period has been reached;

determining whether the successor event has occurred; and

based at least in part on determining that the expected time period has been reached and that the successor event has not occurred, displaying a message for the successor event."

To reject a similar limitation of canceled Claim 13, the Examiner relies on *Johnson* col. 2, ll. 20-60, Figs. 2, 15A-15C, and 21A-21C. Office Action, p. 19. However, the cited portion of *Johnson* merely discloses "an event manager . . . which recognizes an event carried out by one of the subsystems, determine [*sic*] the context in which the recognized event occurs and automatically initiate an operation in a [*sic*] another subsystem to facilitate a new event in the sales process on the basis of the context in which the recognized event occurs." *Johnson*, col. 2, ll. 29-34. Neither *Oracle*, *Battat*, nor *Peoplesoft* correct the deficiencies of *Johnson*. For at least this reason Applicant requests reconsideration and allowance of Claim 1 and its dependent Claims. Although of differing scope from amended Claim 1, amended Claims 9 and 10 include elements that are not taught, suggested, or disclosed by the proposed

Johnson-Oracle-Peoplesoft combination and/or the proposed *Johnson-Battat-Oracle* combination. Claims 9 and 10 are therefore allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of amended Claim 1, Claims 9 and 10, and their respective dependent claims.

No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the references cited by the *Office Action*. The example distinctions discussed by Applicant are sufficient to overcome the *Office Action*'s rejections. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a future response or on appeal, if appropriate. By not responding to additional statements made by the *Office Action*, Applicant does not acquiesce to the *Office Action*'s additional statements.
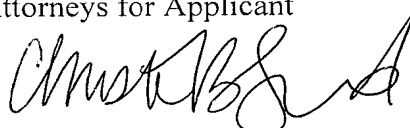
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Christa Brown-Sanford, Attorney for Applicant, at the Examiner's convenience at (214) 953-6824.

The Examiner is hereby authorized to charge the **$810.00** Request for Continued Examination Fee, the **$130.00** one month Extension of Time fee, and to the extent necessary, charge any additional required fees ore credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: March 29, 2010

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